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Committee on the Elimination of Discrimination against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Second Periodic Reports of States parties

Addendum

MONGOLIA

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The Mongolian People's Republic (MPR) is pursuing a consistent policy aimed at the active involvement of women in the social and political life of the country, at further improvements in their situation, and at the protection of mothers and children.

The Basic Guidelines for the Economic and Social Development of the MPR envisage a system of measures designed to bring about a steady rise in the prosperity and cultural level of the people, including measures to improve the working and living conditions of women and provide better safeguards for the health of mothers and children. The tasks set by the Mongolian People's Revolutionary Party (MPRP) at its eighteenth congress for raising the living standards of the people have been successfully accomplished. The broad range of rights granted to women is being constantly extended as the programmatic objectives for the socio-economic and cultural development of the country continue to be implemented.

The present report is submitted in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

In preparing the report, consideration was given to the guiding principles regarding its form and content.

Part I of the Convention

(articles 1-6)

The Constitution of the Mongolian People's Republic asserts the equality of citizens, regardless of sex, racial and national affiliation, religious belief, social origin and status. Article 84 of the Constitution states:

> "Women in the Mongolian People's Republic enjoy rights equal to those of men in all areas of economic, State, cultural and socio-political life. The implementation of these rights is ensured by making available to women conditions equal to those of men in respect of labour, rest and relaxation, social insurance and education; through the State's protection of the interests of mothers and children and State assistance to mothers with numerous children; by granting women paid leave during pregnancy and after childbirth; and by expanding the network of maternity homes, nurseries and kindergartens.
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> "It is forbidden under the law to impede in any way whatsoever the exercise of equal rights by women."

In accordance with article 99 of the Penal Code of the Mongolian People's Republic, the wilful prevention of a woman from entering an educational establishment or from obtaining employment at a State or public institution, organization or enterprise, and also the prevention of her participation in socio-political or cultural activities or in the affairs of State on a basis of parity with men, if the related actions involve violence or threats, is punishable by the deprivation of liberty for a period of up to three years or by correctional labour for a period of up to one year and six months, or will result in the application of measures of public reprimand.

Matters pertaining to the equality of women are dealt with in such legislative instruments as the Labour Code, the Public Education Law, the Family Code, the Pension Law, the Civil Code, the Penal Code, and others.

The Mongolian People's Republic is a party to the International Convention on the Supresssion of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

Part II of the Convention

(articles 7-9)

The Constitution establishes the right of the citizens of the MPR to participate freely in the management of the State and society and also in the direction of the economic life of the country, both through their representative elected bodies and directly. This right is guaranteed through the possiblity of voting and being elected to all organs of State authority, of participating in elections, of exercising the function of people's control, etc. (articles 81, 83 and 84 of the Constitution of the MPR).

Women account for 24.9 per cent of the deputies to the Great Khural [Assembly] of the People, and 28.7 per cent of the deputies to the local khurals. A major effort is made in our country to actively involve women in national public life and to promote their advancement to leadership positions. Women currently hold responsible positions in government and in the public sector, where they are to be found at the head of industrial and agricultural enterprises. A woman is a member of the Presidium and Deputy Chairman of the Great Khural of the People, while at the ministerial level 11 women hold the rank of deputy minister.

Women represent 30.2 per cent of the members and candidates for membership of the Mongolian People's Revolutionary Party. At the Party's nineteenth congress, held in May 1986, three women were elected as members and seven as candidate members of the Central Committee of the MPRP, and three women were elected to the Central Audit Commission.

Women are active participants in the work of the country's organized non-productive societies (public organizations). For example, the deputy chairmen of the Central Council of Mongolian Trade Unions and of the Executive Committee of the Federation of Mongolian Organizations for Peace and Friendship are women.

The Organization of Mongolian Women plays an important role in the effort to promote the active involvement of women in public and political life, in protecting mothers and children, and in raising the younger generation. The Organization participates in the formulation and adoption of decisions pertaining to women and to the safeguarding of maternity and childhood.

Operating under the Great Khural of the People of the MRP and under the aimak (provincial) and municipal executive committees of the khurals of the people's deputies, there are standing commissions on the working and living conditions of women and on the protection of mothers and children. These commissions are extremely active in securing proper and healthy working conditions for women, in upgrading their vocational training and professional qualifications, in improving medical care and ensuring the proper job placement of pregnant women, and in monitoring compliance with the legislation regarding industrial safety and the health of women and children, and also the performance of the children's pre-school institutions and the service sector.

The Committee of Mongolian Women co-operates with the women's organizations of many of the world's countries, actively participating in international conferences, congresses and meetings convened to discuss the issues of peace, security, disarmament, equal rights for women, and the struggle against colonialism, racism and apartheid. Our country has also been the scene of various international events connected with the participation of women in public life and in the struggle for peace and security.

Part III of the Convention

(articles 10-14)

The Constitution of the Mongolian People's Republic guarantees citizens the right to education. This right is ensured through the following measures: general partial secondary education (to be followed by the introduction of the necessary conditions for the transition to full secondary education); the extensive development of technical-vocational, secondary-specialized and higher education; improvements in the system for upgrading professional qualifications; the expansion of the network of educational institutions; instruction in the student's mother tongue and the fact that such instruction is free of charge at educational establishments of all types; and the availability of State scholarships and other forms of material assistance and allowances for students (article 3 of the Public Education Law of the MPR).

There is joint (coeducational) instruction for young men and women at educational establishments of all levels. Today, 27 of every 100 women are enrolled at an educational establishment of some kind. Women account for 57.6 per cent of the students at higher educational establishments, 63.7 per cent of those at secondary specialized colleges, 51 per cent of those at vocational training institutions, and 50.8 per cent of the students at secondary general educational schools. A total of 37.1 per cent of the country's scientific workers are women.

During the period 1981-1985, 48,000 specialists were trained at the higher and secondary specialized institutions of learning, and 54,000 skilled workers at the vocational training schools. The majority of young people of up to 30 years of age have had more than eight years of education.

In accordance with the Constitution of the MPR, women enjoy the same right to work as men. This right is ensured in practice through the fact that women have the opportunity of applying their knowledge and labour in any branch of the economy and in any cultural pursuit (article 77).

Mongolian women can be found working in all branches of the national economy. They account for 46.6 per cent of the persons employed in the area of material production and 57.2 per cent of the work-force in the non-productive sector. Currently, 51.7 per cent of all industrial workers, 38 per cent of construction workers, 50 per cent of communication workers, and 63.7 per cent of the persons employed in the financial and credit sector are women.

Women represent 60 per cent of all persons who make their living in the areas of culture, education and art, 76 per cent of those employed in public health, 37.1 per cent of the country's scientific workers, and 35.9 per cent of its jurists.

Not only does the legislation provide for the right to work, with the woman free to select her profession or occupation, but it supplements this right through additional guarantees. All enterprises, institutions and organizations are required to provide favourable, healthy and safe working conditions, to which end they must maintain proper standards of sanitation and hygiene and are in fact introducing the latest industrial safety systems.

The enterprises and organizations offer permanent and appropriately designed programmes to enable women to improve their professional qualifications.

Women enjoy the same rights as men to the remuneration of their labour in accordance with its quantity and quality. For equal work there is equal pay, regardless of sex, age or nationality (article 78 of the Labour Code of the MPR).

In accordance with the Constitution, women enjoy parity with men in their right to material security in connection with old age, sickness, the inability to work or the loss of a breadwinner. Pension payments are completely financed by the State and public organizations. Women are eligible for old-age pensions at age 55 after a total period of service of not less than 20 years, this being five years lower than the pensionable age for men. Women who have given birth to four or more children are entitled to an old-age pension at age 50 and after a period of service of not less than 15 years.

Disability pensions are granted on the loss of the ability to work as a result of a job injury or an occupational or general disease. In the first case, the pension is awarded regardless of the period of service, whereas in the second it depends on the recipient's age and total length of service (Pension Law of the MPR, articles 19 and 20).

In the Labour Code of the Mongolian People's Republic there is a special chapter dealing with the employment of women (articles 149-162). Under the Code, it is illegal to refuse to hire a woman, reduce her wages or salary, or dismiss her for reasons having to do with the fact that she is pregnant or is the mother of children. Similarly, it is forbidden to employ women in jobs involving strenuous and harmful working conditions and also in underground work; women may not be required to move heavy objects exceeding established permissible weight limits, nor may pregnant women, nursing mothers or women with children of up to one year of age be assigned to night-time work or overtime or be sent on mission.

The list of strenuous jobs or jobs involving harmful working conditions for which there is a ban on the employment of women is approved in the manner prescribed by the law. Women may not be employed in the mining (underground work), metalworking (smelting, casting or welding), chemical (glassblowing) and certain other industries.

Pregnant women who, because of their health, require lighter working conditions, may be permitted to work a shorter working day on the recommendation of a medical board.

In accordance with a medical finding of this kind, a pregnant woman may be transferred for the duration of her pregnancy to another, easier job. Nursing mothers and women with children of up to one year of age, if they are unable to perform their original job duties, are transferred to other work, but retain the average wage received in their former position.

Women are granted paid pregnancy and maternity leave, with retention of the right to their former job. If she so wishes, and regardless of her length of service, a woman may take her regular annual leave before or after her pregnancy or maternity leave.

The State is responsible for providing the necessary conditions to enable women to combine participation in public life with their family responsibilities. This is accomplished through the establishment and expansion of the network of kindergartens, nurseries and other children's establishments, and by improving the service and amenity sector and the dining facilities available to the public.

The accommodation of children in pre-school institutions is of great importance in the policy of measures to provide material assistance to families.

At present, 419 nurseries and 686 kindergartens are taking care of more than 82,300 children. Nursery accommodation for children of up to three years of age is free of charge.

Apart from an insignificant fee paid by the parents of attending children, the kindergartens are fully maintained by the State.

In the Basic Guidelines for the Economic and Social Development of the Mongolian People's Republic for the Period 1986-1990, there are plans for the State to finance the building of kindergartens and nurseries to accommodate 17,000 to 19,000 children. At the same time, there is to be an expanded programme of kindergarten and nursery construction by the enterprises, economic organizations and institutions themselves, using their own financial resources. In parallel, a consistent policy of extending the operating hours of the children's pre-school centres at the large industrial enterprises and economic organizations will be pursued.

In the Mongolian People's Republic, the protection of the health of the citizens is an integral part of the State's efforts at steadily improving the people's material and cultural standards of living and their working, living and leisure-time conditions.

As indicated in the Public Health Law (article 3), citizens of the MPR enjoy generally available and free competent medical care. The measures for protecting public health include: the expansion of the network of health care establishments, the implementation of preventive measures, the extensive introduction of the achievements of science and technology, measures for the safeguarding of the environment, the provision of the public and of the health care establishments with essential medicines and the necessary means of treatment, and the staffing of the health care system with highly qualified professionals.

Free and competent health care is delivered through a highly developed network of general and specialized hospitals, clinics and dispensaries providing in- and out-patient treatment and preventive medical services.

The State ascribes particular importance to health care for mothers and children. The Public Health Law of the MPR contains a special chapter on the protection of maternity and childhood. Maternity is encouraged and safeguarded by the State. For the purpose of protecting the health of mothers and children in accordance with Mongolian legislation, the network of women's and children's medical consultation offices, maternity homes, sanatoria and rest homes, nurseries and kindergartens is being expanded, women are granted pregnancy and maternity leave, breast-feeding breaks are scheduled during the working day, social insurance benefits are paid on the birth of a child and for the time spent nursing a sick child, improvements are being made in the working and living conditions of women, and mothers of numerous children have been made eligible for special allowances.

Women are entitled to 45 calendar days of pre-natal leave and 56 calendar days of post-natal leave, which is extended to 70 days (including the payment of a social insurance benefit) in the event of the birth of twins or of a birth involving medical complications. Further, mothers are entitled to additional, partially paid child-care leave until the child completes its sixth month, and beyond that period to still further leave at their own expense. In all these cases, the woman retains the right to her job.

Since January 1986, there has been an increase in the duration of leave and the size of benefits for mothers who have given birth to twins. Such women are granted child-care leave until their twins have completed one year of life.

Women who have adopted a newborn child are authorized an absence (handled as sick leave) extending from the day of adoption to the expiry of 56 days from the child's birthday, in addition to which they are paid an allowance by the State (Rules on the Payment of Social Insurance Allowances, articles 49 and 50).

Where necessary, abortions are performed, in hospital surroundings only, by physicians having the appropriate professional qualifications.

Pregnant women are kept under timely and competent observation at the health care establishments, which also provide in-patient medical assistance at the time of birth and general health services, including those of a preventive nature, for mothers and newborn children. Children are cared for at the children's clinics, dispenaries and hospitals. The nurseries and kindergartens are provided with the necessary conditions to enable them to safeguard and strengthen the health of the children and to raise them in hygienic surroundings.

During the elapsed period, a number of new facilities have been placed in operation, including, specifically, a 200-bed oncological centre, a 300-bed central clinical hospital and children's hospitals providing 120 beds.

Throughout the country there are in operation 79 general out-patient clinics and dispensaries, offering a total of 21,200 hospital beds. At present, 14.3 per cent of all hospital beds are assigned to mothers. For every 10,000 inhabitants, there are 111 hospital beds, 24 doctors and 79 middle-level medical workers. A 600-bed Mother and Child Care Centre is being built in the capital.

The health care system, which is one of the most outstanding achievements of the Mongolian People's Republic, has made it possible to improve the health of the public and to bring about a sharp decline in mortality and a considerable increase in longevity. At present, there has been a more than three-fold reduction in the mortality rate of children and a ten-fold reduction in that of mothers. The average longevity of the population has more than doubled and currently stands at 66 years. The population is expanding at a mean growth rate of nearly 2.6 per cent a year.

In the Basic Guidelines for the Economic and Social Development of the MPR, the country has been set the task of strengthening the material infrastructure of the health care services, of training larger numbers of personnel to occupy key positions, and of introducing a wider range of medical services. Under the latest five-year plan, more than 60 new facilities are to become operational, including, specifically, medical care centres, children's and specialized hospitals, maternity homes and clinics.

Particular attention will be directed towards health care for mothers and children, and there are plans to formulate and begin the implementation of a special programme in this area. The number of beds in the specialized children's hospitals is to rise by 15-17 per cent, and the number of paediatricians by 30 per cent. There will also be an increase in the number of children's medical sections, and additional maternity departments are to begin service in the aimaks (provinces) and cities.

For the purpose of encouraging maternity and assisting parents, and as an expression of concern for the health of children and their education, the State attaches great importance to the tasks of ensuring mothers the conditions necessary to enable them to participate actively in public and political life, of expanding the network of children's institutions and schools, and of making available State allowances and other benefits to families with numerous children.

Provisions along these lines are contained in the Constitution (article 84) and in the Family Code of the MPR (article 6).

A key role in the State's ability to make available assistance to families is played by what are known as the social consumption funds, which are used to finance major family requirements in connection with the protection of mothers and children.

The State makes annual payments of from 400 to 3,150 tugriks to mothers of from four to 10 children, while mothers of 10 or more children receive 400 tugriks for each child until the completion of its sixteenth year. At present, more than 90,000 mothers with large families are receiving State aid, whereby the benefits annually paid to these women total more than 80 million tugriks. Since 1985, mothers giving birth to twins have been paid an allowance of 300 tugriks for each child.

Rural women enjoy all the rights and privileges contemplated under the legislation. They have a guaranteed right to education and vocational training, to work and to the remuneration of their labour. All members of agricultural associations are not only literate, but more than 60 per cent of them have elementary and secondary education. In order to raise the general educational level of the rural workers, the network of secondary schools, technical colleges and vocational training centres is being expanded in every possible way. Some 60 per cent of all general educational schools in the country operate in rural areas. Part-time evening schools, along with correspondence courses aimed primarily at rural working men and women, have been extensively developed. Students taking advantage of these educational opportunities are eligible for supplementary paid leave and other privileges.

At present, 50.2 per cent of women work in agriculture. Particular attention is being directed to the task of expanding the provision of specialized medical care to the rural population. Currently, rural citizens can obtain such care at 1,800 medical points, somon 1/ branches and mobile out-patient dispensaries. More than 50 inter-somon hospitals outfitted with modern medical apparatus and equipment are in operation. In addition, medical stations operated by doctors and by doctors' assistants can be found at all the agricultural associations (255) and at 65 State farms. About half of all doctors per 10,000 inhabitants are serving the rural population. Rural communities enjoy complete medical coverage provided by graduate physicians.

In operation in rural localities there are more than 300 boarding homes for mothers, where at no charge they may spend 7 to 14 days before birth and a similar or, if necessary, longer period after birth. For the members of agricultural associations, in each aimak (province) inter-association rest homes and sanatoria have been set up, where every year more than 20,000 persons come for rest, recuperation and treatment.

In 1984, the Great Khural of the People of the Mongolian People's Republic adopted the Law on Pensions and Benefits for Members of Agricultural Associations. The unified system of State pension coverage extends to agricultural association members as well. Under the law, which increased pension entitlements and other benefits, the members of agricultural associations were made eligible for pensions at the same age as the industrial and office workers of State enterprises and institutions.

The improvement of the prosperity and of the social and living conditions of the rural population is an essential and integral part of the country's socio-economic policy.

In June 1985, a Special-Purpose Programme for the development of agriculture and the improvement of the food supply to the population of the MPR was adopted. The Programme contains a special section devoted to the question of improved social and living conditions in rural communities.

1/ A territorial administrative unit.

In accordance with this Special-Purpose Programme, there is to be an increase in the monetary income of workers at agricultural associations and State farms. The members of agricultural associations will be covered under the State social insurance system. Their pensions and benefits have also been increased. The task has been set of building rural homes with a total area of 250,000-300,000 m^2 during the period 1986-1990, with this construction to be subsequently expanded during the period to the year 2000. Other objectives are to build housing for the mecharization experts and specialists, and to provide improved housing conditions for the animal breeders. Encouragement and assistance will be given to home-building in rural areas by the direct-labour and co-operative methods, with the citizens called upon to pool their forces and resources. To this end, bank credits will be made available to rural workers, and arrangements have been devised to ensure the supply of the various construction materials required.

It is planned to increase the volume of amenity services, while at the same time improving their quality and broadening the range of services available. In all somons, centres will be created to provide animal breeders with stationary and mobile domestic services.

It is envisaged that measures will be taken to further improve the educational system and to strengthen the material infrastructure of the general-profile schools and vocational institutions. During the period 1986-1990, rural schools will be built to accommodate 25,000 persons, and during the period 1991-2000 for 60,000 students. Measures have been planned to provide complete boarding school coverage for the children of animal breeders and to increase the capacity of the rural kindergartens and nurseries by not less than 5,000 places during the period 1986-1990 and by some 15,000 places during the period from 1991 to the end of the century.

Particular attention will be devoted to providing the population with full coverage in the area of preventive medicine, to extending specialized medical care to rural communities, and to improving the organization of medical services. Mobile dispensaries, equipped with various kinds of laboratory devices, will be placed in service in all the aimaks, and the number of rural rest homes, resorts and sanatoria will be increased.

All these measures will create the necessary conditions for improving the situation of rural women.

Part IV of the Convention

(articles 15 and 16)

All citizens of the Mongolian People's Republic are equal before the law. The principle of equality before the law is asserted in the Civil Code.

This principle is also legislatively anchored in article 5 of the Law on the Organization of the Courts, in article 15 of the Code of Criminal Procedure, and in article 5 of the Code of Civil Procedure of the Mongolian People's Republic. These texts establish the fact that justice in the MPR is administered on the basis of the equality of the citizens before the law and the courts, regardless of sex, national affiliation or social status.

Mongolian legislation asserts the equality of men and women in family relations. In accordance with the Family Code, marital life is based on the principles of voluntarism, mutual love, respect and mutual assistance on the part of the persons entering the marriage (article 3). No limitation whatsoever of the rights of citizens on entering marriage and in other family relations is permitted. Mongolian legislation permits a marriage to take place only on the condition that both the man and the woman voluntarily consent to it and that both have reached the marriageable age.

During the marriage and in the event of its dissolution, the spouses enjoy equal rights. They are required to contribute to the strengthening of the family, to participate equally in household tasks, and to assist one another in acquiring education and improving their skills.

Parents are obliged to educate their children (article 41 of the Family Code); moreover, this parental responsibility with respect to the education of the children continues even after a marriage has been dissolved. The parent with whom the children are living may not prevent the other parent from exercising these rights.

Measures of State and public pressure may be applied against parents, or parents may be deprived by the court of their parental rights, if it is established that they are shirking their responsibilities with respect to the raising of their minor children or that they are abusing their parental rights. In the event that both parents are deprived of their parental rights, the children become wards of the appropriate tutorial or guardianship authorities. However, the loss of parental rights does not release the parents from their responsibility of providing for the support of their children.

The parents themselves decide on the size of the family. Maternity is encouraged and safeguarded by the State.

Women have equal rights with respect to the adoption of children and the exercise of a tutorial or guardianship function. A woman who has adopted a child of not yet one year of age is entitled to post-natal leave and to receipt of a one-time allowance for the birth, care and nursing of the child, in addition to which she enjoys all the privileges of a nursing mother (article 54 of the Family Code).

All the goods and savings, as well as the personal belongings, acquired by the spouses during the marriage are recognized as constituting their joint property. These goods are regarded as joint property regardless of whose income - the husband's or the wife's - was used to acquire them.

Each of the spouses is equally entitled to own, use and dispose of the common joint property.

Such goods as belonged to each of the spouses before entering the marriage are their personal property. The spouses dispose of this personal property independently and as they see fit.